

II

97TH CONGRESS
1ST SESSION

S. 1273

To amend the Central Intelligence Agency Act of 1949, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21 (legislative day, APRIL 27), 1981

Mr. CHAFEE (for himself and Mr. GOLDWATER) introduced the following bill;
which was read twice and referred to the Select Committee on Intelligence

A BILL

To amend the Central Intelligence Agency Act of 1949, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Intelligence Reform Act
4 of 1981".

5 SEC. 2. Section 6 of the Central Intelligence Agency
6 Act of 1949 (50 U.S.C. 403g) is amended to read as follows:

7 "SEC. 6. In the interests of the security of the foreign
8 intelligence activities of the United States and in order fur-
9 ther to implement the proviso of section 102(d)(3) of the Na-
10 tional Security Act of 1947 (50 U.S.C. 403(d)(3)) that the

1 Director of Central Intelligence shall be responsible for pro-
2 tecting intelligence sources and methods from unauthorized
3 disclosure, the Agency shall be exempted from the provisions
4 of any law which require the publication or disclosure of the
5 organization, functions, names, official titles, salaries, or
6 number of personnel employed by the Agency. In furtherance
7 of the responsibility of the Director of Central Intelligence to
8 protect intelligence sources and methods, information in files
9 maintained by an intelligence agency or component of the
10 United States Government shall also be exempted from the
11 provisions of any law which require the publication or disclo-
12 sure, or the search or review in connection therewith, if such
13 files have been specifically designated by the Director of
14 Central Intelligence to be concerned with—

15 “(1) the design, function, deployment, exploita-
16 tion, or utilization of scientific or technical systems for
17 the collection of foreign intelligence, counterintelli-
18 gence, or counterterrorism information;

19 “(2) special activities and foreign intelligence,
20 counterintelligence, or counterterrorism operations;

21 “(3) investigations conducted to determine the
22 suitability of potential foreign intelligence, counterintel-
23 ligence, or counterterrorism sources; and

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1 “(4) intelligence and security liaison arrangements
2 or information exchanges with foreign governments or
3 their intelligence or security services.

4 Notwithstanding the preceding sentence, requests by United
5 States citizens and by aliens who are lawfully admitted for
6 permanent residence in the United States for information
7 concerning themselves made pursuant to any provision of law
8 shall be processed in accordance with such provision. The
9 provisions of this section shall not be superseded except by a
10 provision of law which is enacted after the date of enactment
11 of the Intelligence Reform Act of 1981 and which specifically
12 repeals or modifies the provisions of this section.”.

○

S. 1273

S. 1273, introduced by Senator John Chafee (R., RI) on behalf of himself and Senator Barry M. Goldwater (R., AZ), is identical to the CIA's FOIA proposal in the 96th Congress. The Bill would amend the Central Intelligence Agency Act of 1949 to allow the Director of Central Intelligence to designate files as exempt from FOIA search and review if the files fall within four specified categories dealing with sensitive national security information. Such designations by the DCI would essentially serve to seal off all but finished intelligence products. All files would still be subject to search and review for information which could be disclosed in response to requests by United States citizens and permanent resident aliens for information concerning themselves.

The purpose behind the introduction of this Bill was to get the issue of FOIA relief before a favorable committee with the hope that the SSCI will report out a proposal for a total CIA/NSA exclusion from the FOIA.

Senator Chafee understands that our current position differs from the one we held last year.